

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE CONCURRENT RESOLUTION 2028

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II,
SECTION 22, CONSTITUTION OF ARIZONA; RELATING TO BAILABLE OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article II, section 22, Constitution of Arizona, is proposed to be
4 amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 22. Bailable offenses

7 Section 22. A. All persons charged with crime shall be
8 bailable by sufficient sureties, except for:

9 1. FOR capital offenses, sexual assault, sexual conduct
10 with a minor under fifteen years of age or molestation of a
11 child under fifteen years of age when the proof is evident or
12 the presumption great.

13 2. FOR felony offenses committed when the person charged
14 is already admitted to bail on a separate felony charge and
15 where the proof is evident or the presumption great as to the
16 present charge.

17 3. FOR felony offenses if the person charged poses a
18 substantial danger to any other person or the community, if no
19 conditions of release which may be imposed will reasonably
20 assure the safety of the other person or the community and if
21 the proof is evident or the presumption great as to the present
22 charge.

23 4. FOR SERIOUS FELONY OFFENSES AS PRESCRIBED BY THE
24 LEGISLATURE IF THE PERSON CHARGED HAS ENTERED OR REMAINED IN THE
25 UNITED STATES ILLEGALLY AND IF THE PROOF IS EVIDENT OR THE
26 PRESUMPTION GREAT AS TO THE PRESENT CHARGE.

27 B. The purposes of bail and any conditions of release
28 that are set by a judicial officer include:

29 1. Assuring the appearance of the accused.

30 2. Protecting against the intimidation of witnesses.

31 3. Protecting the safety of the victim, any other person
32 or the community.

33 2. The Secretary of State shall submit this proposition to the voters
34 at the next general election as provided by article XXI, Constitution of
35 Arizona.

PASSED BY THE HOUSE MAY 12, 2005.

PASSED BY THE SENATE MAY 10, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2005.

Passed the House March 8, 2005

by the following vote: 36 Ayes

23 Nays, 1 Not Voting



Speaker of the House



Chief Clerk of the House

Passed the Senate May 10, 2005

by the following vote: 19 Ayes

10 Nays, 1 Not Voting


President of the Senate


Secretary of Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This resolution was received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State


H.C.R. 2028

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 12, 2005,

by the following vote: 33 Ayes,

16 Nays, 11 Not Voting


Speaker of the House
Pro Tempore
Thomas L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 12 day of May, 2005,

H.C.R. 2028

at 4:00 o'clock P. M.
Janice K. Brewer
Secretary of State